

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 1004

Representatives Bird, John

To amend sections 4723.4812 and 4729.284; to enact
section 4729.286; and to repeal section 4731.90
of the Revised Code to revise the law governing
pharmacist dispensing of nicotine replacement
therapy and to authorize pharmacists to dispense
oral contraceptive therapy pursuant to protocols
developed by the State Board of Pharmacy.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4723.4812 and 4729.284 be amended
and section 4729.286 of the Revised Code be enacted to read as
follows:

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Sec. 4723.4812. (A) ~~A certified nurse-midwife, clinical
nurse specialist, or certified nurse practitioner who has
established a protocol that meets the requirements of section
4729.284 of the Revised Code and the rules adopted under that
section may authorize one or more pharmacists to use the
protocol for the purpose of dispensing nicotine replacement
therapy under section 4729.284 of the Revised Code.~~

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~~(B)~~ The board of nursing shall adopt rules establishing
standards and procedures to be followed by a certified nurse-
midwife, clinical nurse specialist, or certified nurse

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practitioner when prescribing a drug that may be administered by 21
a pharmacist pursuant to section 4729.45 of the Revised Code. 22
The rules shall be adopted in accordance with Chapter 119. of 23
the Revised Code and in consultation with the state board of 24
pharmacy. 25

~~(C)~~ (B) A certified nurse-midwife, clinical nurse 26
specialist or certified nurse practitioner who has established a 27
protocol that meets the requirements specified by the state 28
board of pharmacy in rules adopted under section 4729.47 of the 29
Revised Code may authorize one or more pharmacists and any of 30
the pharmacy interns supervised by the pharmacist or pharmacists 31
to use the protocol for the purpose of dispensing epinephrine 32
under section 4729.47 of the Revised Code. 33

Sec. 4729.284. (A) As used in this section, "nicotine 34
replacement therapy" means ~~a drug, including a dangerous drug,~~ 35
~~that delivers small doses of nicotine to an individual is~~ 36
approved for the purpose of aiding in tobacco cessation or 37
smoking cessation. 38

(B) The state board of pharmacy shall establish a 39
statewide protocol in accordance with rules adopted under 40
division (G) of this section. Following the protocol's 41
establishment, the board may authorize one or more pharmacists 42
to use the protocol for the purpose of dispensing nicotine 43
replacement therapy. 44

(C) Subject to division ~~(C)~~ (D) of this section, if use of 45
~~a the~~ protocol that has been developed under this section has 46
been authorized under division (B) of this section ~~4723.4812 or~~ 47
~~4731.90 of the Revised Code,~~ a pharmacist may dispense nicotine 48
replacement therapy without a prescription in accordance with 49
that protocol to individuals who are eighteen years old or older 50

and seeking to quit using tobacco-containing products. 51

~~(C)~~ (D) For a pharmacist to be authorized to dispense 52
nicotine replacement therapy under this section, the pharmacist 53
shall do both of the following: 54

(1) Successfully complete a course on nicotine replacement 55
therapy that is taught by a provider that is accredited by the 56
accreditation council for pharmacy education, or another 57
provider approved by the state board of pharmacy, and that meets 58
requirements established in rules adopted under this section; 59

(2) Practice in accordance with ~~a~~ the protocol that ~~meets~~ 60
~~the requirements of division (D) of~~ is established under this 61
section. 62

~~(D) All of the following apply with respect to the~~ 63
~~protocol required by this section:~~ 64

~~(1) The protocol shall be established by a physician~~ 65
~~authorized under Chapter 4731. of the Revised Code to practice~~ 66
~~medicine and surgery or osteopathic medicine and surgery or a~~ 67
~~certified nurse-midwife, clinical nurse specialist, or certified~~ 68
~~nurse practitioner licensed under Chapter 4723. of the Revised~~ 69
~~Code.~~ 70

~~(2) The protocol shall specify a definitive set of~~ 71
~~treatment guidelines and the locations at which a pharmacist may~~ 72
~~dispense nicotine replacement therapy under this section.~~ 73

~~(3) The protocol shall include provisions for~~ 74
~~implementation of the following requirements:~~ 75

~~(a) Use by the pharmacist of a screening procedure,~~ 76
~~recommended by the United States centers for disease control and~~ 77
~~prevention or another organization approved by the board, to~~ 78

determine if an individual is a good candidate to receive 79
nicotine replacement therapy dispensed as authorized by this 80
section;— 81

(b) A requirement that the pharmacist refer high-risk 82
individuals or individuals with contraindications to a primary 83
care provider or, as appropriate, to another type of provider;— 84

(c) A requirement that the pharmacist develop and 85
implement a follow-up care plan in accordance with guidelines 86
specified in rules adopted under this section, including a 87
recommendation by the pharmacist that the individual seek 88
additional assistance with behavior change, including assistance 89
from the Ohio tobacco quit line made available by the department 90
of health.— 91

(4) The protocol shall satisfy any additional requirements 92
established in rules adopted under this section.— 93

(E) (1) Documentation related to screening, dispensing, and 94
follow-up care plans shall be maintained in the records of the 95
pharmacy where the pharmacist practices for at least three 96
years. Dispensing of nicotine replacement therapy may be 97
documented on a prescription form, and the form may be assigned 98
a number for recordkeeping purposes.— 99

(2) Not later than seventy-two hours after a screening is 100
conducted under this section, the pharmacist shall provide 101
notice to the individual's primary care provider, if known, or 102
to the individual if the primary care provider is unknown. The 103
notice shall include results of the screening, and if 104
applicable, the dispensing record and follow-up care plan.— 105

A copy of the documentation identified in division (E) (1) 106
of this section shall also be provided to the individual or the 107

~~individual's primary care provider on request.~~ 108

~~(F)~~ (E) This section does not affect the authority of a 109
pharmacist to do any of the following: 110

(1) Fill or refill prescriptions for ~~nicotine replacement~~ 111
~~therapy~~ drugs approved for the purpose of aiding in tobacco 112
cessation or smoking cessation, which may include prescriptions 113
for such drugs available over-the-counter; 114

(2) Sell ~~nicotine replacement therapy that does not~~ 115
~~require a prescription~~ over-the-counter drugs approved for the 116
purpose of aiding in tobacco cessation or smoking cessation. 117

~~(G)~~ (F) No pharmacist shall do either of the following: 118

(1) Dispense nicotine replacement therapy in accordance 119
with a protocol unless the requirements of division ~~(C)~~ (D) of 120
this section have been met; 121

(2) Delegate to any person the pharmacist's authority to 122
engage in or supervise the dispensing of nicotine replacement 123
therapy. 124

~~(H)~~ (1) (G) The board shall adopt rules to implement this 125
section. The rules shall be adopted in accordance with Chapter 126
119. of the Revised Code and shall include all of the following: 127

~~(a)~~ (1) Provisions specifying the nicotine replacement 128
therapy that may be dispensed in accordance with ~~a~~ the protocol 129
established pursuant to this section; 130

~~(b)~~ (2) Requirements for courses on nicotine replacement 131
therapy, including requirements that are consistent with any 132
standards established for such courses by the United States 133
centers for disease control and prevention; 134

~~(e)~~ (3) Requirements for protocols to be followed by 135
pharmacists in dispensing nicotine replacement therapy. 136

~~(d)~~ Guidelines for follow-up care plans, including 137
screening, treatment, referral, notice, documentation, and 138
recordkeeping requirements. 139

~~(2) Prior to adopting rules regarding requirements for 140~~
~~protocols to be followed by pharmacists in dispensing of 141~~
~~nicotine replacement therapy, the state board of pharmacy shall 142~~
~~consult with the state medical board, board of nursing, and 143~~
~~department of health.~~ 144

~~(I)~~ (H) All of the following procedures apply to the 145
establishment of a statewide protocol in accordance with rules 146
adopted under division (G) of this section: 147

(1) Before the protocol is finalized, the state board of 148
pharmacy shall submit a draft protocol to the state medical 149
board for review. 150

(2) During the sixty-day period immediately following 151
receipt of the draft protocol, the state medical board may 152
submit comments to the state board of pharmacy. Any comments 153
from the state medical board shall be submitted in writing. 154

(3) If no comments are submitted by the state medical 155
board, the state board of pharmacy shall proceed with finalizing 156
the protocol. 157

(4) If comments are submitted by the state medical board, 158
the state board of pharmacy shall review the comments. If it 159
determines that revisions will not be made to incorporate or 160
otherwise address the comments, the state board of pharmacy 161
shall submit to the state medical board an explanation of the 162
reasons for not making the revisions. Thereafter, the state 163

board of pharmacy shall proceed with finalizing the protocol. 164

(5) To finalize the protocol, a copy shall be delivered to 165
the president of the state board of pharmacy for the president's 166
signature. Once the president has signed the protocol, the 167
protocol is finalized and remains in effect until any revisions 168
are made under division (I) of this section. 169

(I) The state board of pharmacy shall review the protocol 170
established in accordance with rules adopted under division (G) 171
of this section every two years and shall make revisions as the 172
board considers necessary. If the board considers revisions to 173
be necessary, the board shall make the revisions by following 174
the same procedures described in division (H) of this section 175
for establishing the protocol. 176

(J) The state board of pharmacy, through electronic 177
communication, shall inform all individuals licensed by the 178
board when the initial protocol and any revised protocol are 179
finalized. The board shall maintain on its internet web site a 180
copy of the version of the protocol that is in effect. 181

(K) The state board of pharmacy and state medical board 182
are not liable in damages in a civil action for injury, death, 183
or loss to person or property allegedly arising from the use of 184
a protocol established in accordance with rules adopted under 185
division (G) of this section, unless an act or omission by the 186
applicable board in developing, commenting on, revising, or 187
finalizing the protocol constitutes willful or wanton 188
misconduct. 189

A physician, certified nurse-midwife, clinical nurse 190
specialist, or certified nurse practitioner who in good faith 191
authorizes a pharmacist to dispense nicotine replacement therapy 192

~~in accordance with a protocol developed pursuant to rules~~ 193
~~adopted under division (H) of this section is not liable for or~~ 194
~~subject to any of the following for any action or omission of~~ 195
~~the individual to whom the nicotine replacement therapy is~~ 196
~~dispensed: damages in any civil action, prosecution in any~~ 197
~~criminal proceeding, or professional disciplinary action.~~ 198

Sec. 4729.286. (A) As used in this section, "oral 199
contraceptive therapy" means a drug that is approved to prevent 200
pregnancy. 201

(B) The state board of pharmacy shall establish a 202
statewide protocol in accordance with rules adopted under 203
division (G) of this section. Following the protocol's 204
establishment, the board may authorize one or more pharmacists 205
to use the protocol for the purpose of dispensing oral 206
contraceptive therapy. 207

(C) Subject to division (D) of this section, if use of the 208
protocol that has been developed under this section has been 209
authorized under division (B) of this section, a pharmacist may 210
dispense oral contraceptive therapy without a prescription in 211
accordance with that protocol to individuals who are eighteen 212
years old or older. 213

(D) For a pharmacist to be authorized to dispense oral 214
contraceptive therapy under this section, the pharmacist shall 215
do both of the following: 216

(1) Successfully complete a course on oral contraceptive 217
therapy that is taught by a provider that is accredited by the 218
accreditation council for pharmacy education, or another 219
provider approved by the state board of pharmacy, and that meets 220
requirements established in rules adopted under this section; 221

<u>(2) Practice in accordance with the protocol that is</u>	222
<u>established under this section.</u>	223
<u>(E) This section does not affect the authority of a</u>	224
<u>pharmacist to do any of the following:</u>	225
<u>(1) Fill or refill prescriptions for oral contraceptive</u>	226
<u>drugs, which may include prescriptions for oral contraceptive</u>	227
<u>drugs also available over-the-counter;</u>	228
<u>(2) Sell over-the-counter oral contraceptive drugs.</u>	229
<u>(F) No pharmacist shall do either of the following:</u>	230
<u>(1) Dispense oral contraceptive therapy in accordance with</u>	231
<u>a protocol unless the requirements of division (D) of this</u>	232
<u>section have been met;</u>	233
<u>(2) Delegate to any person the pharmacist's authority to</u>	234
<u>engage in or supervise the dispensing of oral contraceptive</u>	235
<u>therapy.</u>	236
<u>(G) The board shall adopt rules to implement this section.</u>	237
<u>The rules shall be adopted in accordance with Chapter 119. of</u>	238
<u>the Revised Code and shall include all of the following:</u>	239
<u>(1) Provisions specifying the oral contraceptive therapies</u>	240
<u>that may be dispensed in accordance with the protocol</u>	241
<u>established pursuant to this section;</u>	242
<u>(2) Requirements for courses on oral contraceptive</u>	243
<u>therapy, including requirements that are consistent with any</u>	244
<u>standards established for such courses by the United States</u>	245
<u>centers for disease control and prevention;</u>	246
<u>(3) Requirements for protocols to be followed by</u>	247
<u>pharmacists in dispensing oral contraceptive therapy, including</u>	248

screening, treatment, referral, notice, documentation, and 249
recordkeeping requirements. 250

(H) All of the following procedures apply to the 251
establishment of a statewide protocol in accordance with rules 252
adopted under division (G) of this section: 253

(1) Before the protocol is finalized, the state board of 254
pharmacy shall submit a draft protocol to the state medical 255
board for review. 256

(2) During the sixty-day period immediately following 257
receipt of the draft protocol, the state medical board may 258
submit comments to the state board of pharmacy. Any comments 259
from the state medical board shall be submitted in writing. 260

(3) If no comments are submitted by the state medical 261
board, the state board of pharmacy shall proceed with finalizing 262
the protocol. 263

(4) If comments are submitted by the state medical board, 264
the state board of pharmacy shall review the comments. If it 265
determines that revisions will not be made to incorporate or 266
otherwise address the comments, the state board of pharmacy 267
shall submit to the state medical board an explanation of the 268
reasons for not making the revisions. Thereafter, the state 269
board of pharmacy shall proceed with finalizing the protocol. 270

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are made under division (I) of this section. 275

(I) The state board of pharmacy shall review the protocol 276
established in accordance with rules adopted under division (G) 277

of this section every two years and shall make revisions as the 278
board considers necessary. If the board considers revisions to 279
be necessary, the board shall make the revisions by following 280
the same procedures that are described in division (H) of this 281
section for establishing the protocol. 282

(J) The state board of pharmacy, through electronic 283
communication, shall inform all individuals licensed by the 284
board when the initial protocol and any revised protocol are 285
finalized. The board shall maintain on its internet web site a 286
copy of the version of the protocol that is in effect. 287

(K) The state board of pharmacy and state medical board 288
are not liable in damages in a civil action for injury, death, 289
or loss to person or property allegedly arising from the use of 290
a protocol established in accordance with rules adopted under 291
division (G) of this section, unless an act or omission by the 292
applicable board in developing, commenting on, revising, or 293
finalizing the protocol constitutes willful or wanton 294
misconduct. 295

(L) Nothing in this section shall be construed to 296
authorize a pharmacist to dispense an abortifacient. 297

Section 2. That existing sections 4723.4812 and 4729.284 298
of the Revised Code are hereby repealed. 299

Section 3. That section 4731.90 of the Revised Code is 300
hereby repealed. 301